

In re:)	
)	
)	Chapter 13
CHRISTOPHER C. DONIGIAN d/b/a)	Case No. 08-12455-MWV
Emcon Builders and)	
SANDRA C. DONIGIAN)	
Debtor.)	
)	
)	
LAWRENCE P. SUMSKI,)	
)	
Chapter 13 Trustee,)	Adv. Proc. No. 10-01098-LHK
)	
v.)	
)	
CHRISTOPHER DONIGIAN d/b/a)	
Emcon Builders,)	
JACOB DONIGIAN, and)	
DONIGIAN PROPERTIES, LLC a/k/a)	
Donigian Properties)	
)	
Defendants)	

Lawrence P. Sumski, Chapter 13 Trustee, by and through his attorneys, Sheehan Phinney Bass + Green, P.A., respectfully submits, pursuant to Federal Rule of Civil Procedure 26(a)(3), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7026, and this Court's Pretrial Scheduling Order (Court Doc. No. 41), his List of Witnesses and Exhibits.

1. Christopher Donigian
200 Chester Road
Fremont, NH
2. Sandra Donigian
200 Chester Road
Fremont, NH

3. Jacob Donigian
134 Chester Road
Fremont, NH

Designation Of Those Witnesses Whose Testimony The Plaintiff May Present By Deposition

1. Christopher Donigian
200 Chester Road
Fremont, NH
2. Sandra Donigian
200 Chester Road
Fremont, NH
3. Jacob Donigian
134 Chester Road
Fremont, NH

Plaintiff Expects to Offer:

1. Warranty Deed from Donigian Properties, LLC to Christopher Donigian dated October 20, 2006 – Lot 31, Allenstown, NH;
2. Settlement Statement dated November 30, 2006 for property located at 32 Chestnut Drive, Allenstown, NH;
3. Pay-Off statement from Donigian Properties, LLC to Christopher Donigian dated November 28, 2006 for Lot 31 – 32 Chestnut Drive, Allenstown, NH in the amount of \$261,000;
4. Starter Title Services Check, Check No. 10-4730 dated November 30, 2006, in the amount of \$261,000.00 and made payable to Donigian Properties, LLC;
5. Warranty Deed from Donigian Properties, LLC to Christopher Donigian dated June 25, 2007 – Lot 12, Allenstown, NH;
6. Settlement Statement dated September 5, 2007 for property located at 39 Chestnut Drive, Allenstown, NH;
7. Pay-Off statement from Donigian Properties, LLC to Christopher Donigian dated September 8, 2007 for Lot 12 – 39 Chestnut Drive, Allenstown, NH in the original amount of \$208,000 and with a balance due of \$68,030.

8. EMCON Builders check, check no. 3439 dated September 11, 2007, made payable to Donigian Properties in the amount of \$100,000.00;
9. EMCON Builders check, check no. 3474 dated November 2, 2007, made payable to Donigian Properties LLC in the amount of \$40,000.00;
10. Jacob Donigian/Janice Donigian Pentucket Bank bank account statement for statement period September 17, 2007 through October 15, 2007;
11. Jake Donigian/Donigian Properties TD BankNorth bank account statement for statement period September 1, 2007 to November 30, 2007;
12. Bill of Sale dated April 13, 2008 by and between Jake Donigian as Buyer and Christopher Donigian dba Emcon Builders as seller for International T-D 7 Bulldozer;
13. Warranty Deed from Jacob A. Donigian and Janice A. Donigian to Christopher Donigian dated April 26, 2004 – Lot 16, Wes Locke Road, Barnstead, NH;
14. Warranty Deed from Christopher Donigian to Jacob A. Donigian dated May 15, 2006 – Lot 16, Wes Locke Road, Barnstead, NH
15. Town of Barnstead Building Permit, Permit No. 006-085-RENEW-2, for 249 Wes Locke
16. Promissory Note dated April 26, 2004 by and between Christopher Donigian as Maker and Jacob A. Donigian as Lender in the original principal amount of \$70,000.00;
17. Mortgage Deed dated April 26, 2004 by and between Christopher Donigian as Mortgagor and Jacob A. Donigian as Mortgagee – Lot 16, Wes Locke Road, Barnstead, NH;
18. Any and all exhibits marked during Jacob Donigian's deposition on March 8, 2011;
19. Any and all exhibits marked during Christopher Donigian's deposition on March 15, 2011;
20. Any and all pleadings filed within Christopher and Sandra Donigian's bankruptcy case, case no. 08-12455, pending before the Bankruptcy Court – District of NH, including but not limited to Christopher and Sandra Donigian's bankruptcy schedules, statement of financial affairs and any and all amendments thereto;
21. Any and all proofs of claims filed within Christopher and Sandra Donigian's bankruptcy case, case no. 08-12455, pending before the Bankruptcy Court – District of NH; and,

22. Any and all pleadings filed within the adversary proceeding captioned Sumski v. Jacob Donigian, et. al., adversary proceeding no. 10-1098-LHK, pending before the Bankruptcy Court – District of NH.

Plaintiff May Offer:

1. Christopher and Sandra Donigian's Ocean Bank bank statements for 2007;
2. Christopher and Sandra Donigian's Ocean Bank bank statements for 2008;
3. Christopher Donigian d/b/a EMCON Builders Ocean Bank bank statements for 2007;
4. Christopher Donigian d/b/a EMCON Builders Ocean Bank bank statements for 2008;
5. Christopher and Sandra Donigian's Federal Tax Returns for years 2006, 2007 and 2008;
6. Any and all documents listed in any of the Defendants' initial disclosures; and,
7. Any and all documents listed in any of the Defendants' Exhibit Lists.

The disclosures made herein are based upon the information reasonably available to the Trustee to date. The Trustee reserves the right to supplement the disclosure set forth herein.

Respectfully Submitted,

LAWRENCE P. SUMSKI, CHAPTER 13 TRUSTEE
By His attorneys,

SHEEHAN PHINNEY BASS + GREEN

Date: November 10, 2011

By: /s/ James S. LaMontagne
James S. LaMontagne, Esq., BNH 05483
1000 Elm Street, P.O. Box 3701
Manchester, NH 03105-3701
(603) 627-8102

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2011, I caused a copy of the foregoing to be served via first class mail, postage prepaid, or electronically upon those served by the CM/ECF system to the following:

Keri J. Marshall, Esq.
47 Depot Road
East Kingston, NH 03827

/s/ James S. LaMontagne
James S. LaMontagne